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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
ON BEHALF OF
CHESTER (SAM) JENKINS,
COMPLAINANT

DISCRIMINATION PROCEEDING
Docket No. WEST 81-323-DM
Republic Unit

v.

HECLA-DAY MINES CORPORATION,
RESPONDENT

DECISION APPROVING SETTLEMENT
AFTER REMAND

Before: Judge Morris

This case involves a complaint of discrimination filed by the Secretary of Labor pursuant to the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 et seq. The complaint alleged that the operator violated section 105(c)(1) of the Mine Act, 30 U.S.C. 815(c)(1), in connection with three incidents involving complainant.

The case was heard by Virgil E. Vail, an administrative law judge of the Commission. The decision of the judge was thereafter reversed, in part, by the Commission because of its finding that complainant had been suspended without pay in violation of the Mine Act.

Inasmuch as Judge Vail had left the Commission, the case was reassigned to the undersigned judge for an appropriate and expeditious back pay award.

Subsequently, the judge set the case for a hearing in Spokane, Washington. Prior to hearing the parties advised the judge that the case had been settled. They filed a stipulation and agreed that pursuant to the Commission decision there is due and owing to Chester (Sam) Jenkins the sum of four hundred fifty-two dollars and six cents (\$452.06) to be paid by Hecla-Day Mines Corporation.

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Based on the stipulation of the parties, I enter the following:

ORDER

1. Respondent is ordered to pay to the complainant the sum of four hundred fifty-two dollars and six cents (\$452.06).

2. Respondent is further ordered to pay said amount within ten days of the date of the decision.

John J. Morris
Administrative Law Judge